

CITY OF MUSKEGON  
MUSKEGON HOUSING BOARD OF APPEALS  
MEETING MINUTES  
06/01/06  
5:30PM

ATTENDANCE: Randy Mackie, Jon Rolewicz, Ed Simmons, Kirk Kolberg, Nick Kroes

ABSENT: Greg Borgman

EXCUSED: Chris Carter(late),

STAFF: Carmen Smith, Don LaBrenz, Jim Hoppus, Anthony Kleibecker, Major Metcalf, Ken Murar

GUESTS: Michael & Theresa Bernhardt(2346 Wickham)

Meeting minutes: A motion was made by Randy Mackie and seconded by Nick Kroes to approve the April 2006 minutes.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman

Randy Mackie  
Jon Rolewicz  
Nick Kroes

Chris Carter(late)

Ed Simmons  
Kirk Kolberg

Motion carried.

**EN-060006- 885 Amity (Garage) – Billdeb LLC , 3438 Ross, Muskegon, MI 49445  
Removed from agenda.**

**EN-060025 – 621 Leonard – Marshall Redder – 3960 30<sup>th</sup> St SW, Grandville, MI 49418 – Removed from agenda.**

**EN-060015 – 1451 Park – Marshall Redder – 3960 30<sup>th</sup> St. SW, Grandville, MI 49418 – Removed from agenda.**

**PROPERTY MAINTENANCE CODE APPEAL CASES:**

**2346 Wickham, Mike Bernhardt, 2259 S. Hilltop Dr., Muskegon, MI 49441**

Mike and Theresa Bernhardt were present to represent case.

Anthony Kleibecker stated this case was a result of an inspection conducted 10/11/05, there were 19 violations and the Bernhardt's are appealing item #5, and item #16. Don LaBrenz stated the two items Mr. Bernhardt is appealing, the property maintenance code requires a ½ inch drywall on the garage side of any wall that abuts or joins any dwelling unit and the other one is styrofoam on the basement wall that is covered over with masonite paneling. The property maintenance code is clear on both issues. The drywall is there in the event there is a fire in the garage, it basically saves the house. The other issue of styrofoam in the basement or any place within the dwelling unit has never been a permitted practice under any building code in the State of Michigan unless it's covered by a 15 minute thermo barrier which means ½ inch drywall. Ed Simmons asked when the house was purchased and Mr. Bernhardt responded 1990 the house was purchased and the house was inspected and neither of the 2 issues were noted at that time. Ed Simmons asked if it was a rental at that time. Mr. Bernhardt said no, they were the second owners and they moved 3 years ago and was unable to sell it so decided to rent it and the tenant that occupies the house now has shown interest in purchasing it. Mr. Bernhardt said the basis for his appeal is because the home has remained the same since he purchased it and he showed pictures of the breezeway between house and garage and it has the original mahogany wood paneling. Ed Simmons asked when did it become a rental, was it inspected as a legal rental unit. Mr. Bernhardt said when the home became a rental the City of Muskegon Housing Inspection Department was not operational due to budget cuts and never went thru that process. Mr. Bernhardt said they received a notice that the property was to be inspected but on that date no one showed up and he called and was told the Department wasn't doing the inspections anymore. Randy Mackie stated changes/adjustments could be made easily to meet the code. Mr. Bernhardt said this was the condition of the house when built and was inspected before and no one brought these items to his attention then and doesn't understand why it's an issue today. Jon Rolewicz said it was a fire hazard then and now. Mrs. Bernhardt disputed the breezeway being part of the square footage of home and feels there is enough barrier between garage and the home and was accepted per the

building code in 1950 when addition was added. Don LaBrenz said they can't address what was not caught during a prior inspection in 1990. Nick Kroes said since it's now a rental a second look has to be taken for safety. Anthony Kleibecker said since there has been a change of use from an owner occupied dwelling to a rental it then becomes an issue. Nick Kroes said the role of the Housing Board of Appeals is to look at what the rules are we can't rewrite the rules. Jon Rolewicz said this board rarely handles property maintenance cases because they are pretty much cut and dry as the law states. Mr. Bernhardt said their position is the property passed inspections before and shouldn't be a problem now. Jon Rolewicz said unfortunately it was missed before but now we have no choice but to address the issues.

Staff Recommendation: Deny items #5 & #16

Motion made by Randy Mackie and seconded by Ed Simmons to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman

Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Chris Carter  
Ed Simmons  
Kirk Kolberg

Motion carried.

### **DANGEROUS BUILDING NEW CASES**

**EN-060019 - 1168 Ambrosia(Garage), Arthur/Ricky Jackson, 20214 Lions Gate Ln, Humble TX 77338**

No one was present to represent case.

Anthony Kleibecker showed board pictures of garage and said nothing has changed.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman

Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Chris Carter  
Ed Simmons  
Kirk Kolberg

Motion carried.

**EN-060016 – 698 Amity – Bryce Peters Financial Corp, 600 N. Kings Hwy #122,  
Cherry Hill, NJ 08034**

No one was present to represent case.

Anthony Kleibecker showed pictures and reviewed case.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman

Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Chris Carter

Ed Simmons  
Kirk Kolberg

Motion carried.

**EN-060014 – 1608 Elwood – Robert J. Smith, 1608 Elwood St, Muskegon, MI 49442**

No one was present to represent case.

Anthony Kleibecker stated everyone was properly noticed and there has been no contact from the owner he added the property looks really bad and a blight on the neighborhood.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:                      NAYES:                      EXCUSED:    ABSENT:                      ABSTENTION

Greg Borgman

Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Chris Carter

Ed Simmons

Kirk Kolberg

Motion carried.

**EN-060022 – 444 Orchard – City of Muskegon, 933 Terrace St., Muskegon, MI 49440**

Anthony Kleibecker stated the property had recently been deeded to the City of Muskegon by the State of Michigan. Chris Carter asked if the property was of interest to Community Neighborhood Services. Anthony Kleibecker stated we work with Will Griffin of the CNS Department closely to see if properties from the State are of interest to his program first before proceeding to condemnation.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Randy Mackie and seconded by Chris Carter to accept staff recommendation.

A roll call vote was taken:

AYES:                      NAYES:                      EXCUSED:                      ABSENT:                      ABSTENTION

Greg Borgman

Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Chris Carter  
Ed Simmons  
Kirk Kolberg

Motion carried.

**EN-060017 – 1282 Terrace – US Bank National Assoc, 17500 Rockside Rd, Bedford, OH 44146**

No one was present to represent property.

Anthony Kleibecker stated there has been no contact, nor any action taken by the bank.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:                      NAYES:                      EXCUSED:                      ABSENT:

Greg Borgman

Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Chris Carter

Ed Simmons  
Kirk Kolberg

Motion carried.

OLD BUSINESS:

Ed Simmons mentioned the removal of the property at 1538 Hudson really looked good. Nick Kroes stated 200 block of W. Southern is really looking good. Nick Kroes asked about properties owned by Marshall Redder that was taken off the agenda. Anthony Kleibecker reported that Mr. Redder has been in to apply for permits and has contractors lined up and guaranteed work would begin on these properties soon.

NEW BUSINESS:

**ADJOURNMENT:                      6:05 PM**

CITY OF MUSKEGON

**AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF  
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.**

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Gail Kunder, City Clerk  
933 Terrace Street  
Muskegon, MI 49443  
(616) 724-6705 or TDD (616) 724-6773